



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, मंगलवार, 6 मार्च, 1962/15 फाल्गुन, 1883

HIMACHAL PRADESH ADMINISTRATION

SECRETARIAT ADMINISTRATION DEPARTMENT

NOTIFICATION

Simla-4, the 5th January, 1962

No. SAD. 1-717/58.—In exercise of the powers delegated by the President under the proviso to Article 309 of the constitution, *vide* Government of India Ministry of Home Affairs, Notification No. F. 27/59-Him (i), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following Rules in respect of Himachal Pradesh Secretariat Class IV services in regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Class IV service;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I—GENERAL

1. *Short title and commencement.*—(a) These Rules may be called the Himachal Pradesh Secretariat Class IV Service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1961.

(b) These Rules shall come into force from the date of Notification in the Official Gazette.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context:—

- (a) “recognised school” means any school run by the Administration/Government or by a local body and declared or recognised by the Administration/Government.
- (b) “Administration” means Himachal Pradesh Administration.
- (c) “the service” means the Himachal Pradesh Secretariat Class IV Service.
- (d) “direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Administration or of the Union.
- (e) “Scheduled Castes” means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951 as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (f) “Scheduled Tribes means” the Tribes or Tribal communities or parts of or groups within Tribes or Tribal Communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (g) “member” means a member of the Himachal Pradesh Secretariat Class IV service.

PART II—RECRUITMENT TO SERVICE

3. *Character of Posts.*—The character (*i.e.* designation, grade etc. of the various posts included in the service and their rates of pay shall be as indicated in the Annexure to these Rules.

4. *Authority declared to make appointments.*—All appointments to posts in the service shall be made by the Head of the Office or any other authority declared as such by the Head of Department.

5. *Nationality, eligibility and age etc.*—(1) A candidate for appointment to any post in the service must be:—

- (a) a citizen of India; and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the date fixed for making applications for appointment to a post; or
- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reasons, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under Rule 4 of the

Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (1) of this rule, in exercise of his discretion under Rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) a citizen of India; or
- (b) a subject of Sikkim; or
- (c) a subject of Nepal or of a Portuguese possession in India; or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government, and

(2) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the Head of the recognised school last attended;
- (ii) certificate of good moral character from two responsible persons, not being his relative who are well acquainted with him in private life and unconnected with his school;
- (iii) a medical certificate, as required by Rule 10 of Fundamental Rules and Rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife;
 - (a) no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;
- (v) in the case of female Government servant, a declaration to the effect that she has not married a person having already a living wife;
 - (a) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Himachal Pradesh Administration, may, if satisfied, that there are special grounds for doing so, exempt any person from the operation of rules in clause (iv).

(3) Must not be less than 18 years and not more than 25 years of age on the date of his appointment:

Provided further that minimum and maximum age limits as prescribed may be relaxed in pursuance of the administrative instructions given in Appendix 3 of the Posts and Telegraphs compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special

categories in accordance with the orders issued by the Government of India from time to time.

6. *Educational qualifications of candidates.*—No person shall in future be appointed to the service, unless in the case of appointment to the post of:—

- (i) *Daftry.*—He has passed the Middle School examination of a recognised school or above. The prescribed educational qualification will be relaxed in the case of departmental promotion provided the departmental promotee is either permanent or quasi-permanent in the scale of peon and has put in at least 5 years service and possesses the knowledge of English.
- (ii) *Jamadars.*—He has normally rendered 5 years service (officiating or confirmed) as a peon or any other class IV servant in the scale of Rs. 30- $\frac{1}{2}$ -35.
- (iii) *Peons.*—He has passed the Primary Standard of a recognised School or above. The prescribed educational qualifications will be relaxed in the case of transfer from the post of Chowkidar, Frash, Bhishti, Sweepers provided that such a transferee is either permanent or quasi-permanent and has put in at least 2 years service in that grade.
- (iv) *Frash, Bhishti, Sweeper and Chowkidars.*—He should preferably be literate.
- (v) *Mali.*—He should possess a certificate of gardening from the Agriculture Department of the Administration:

Provided the condition as prescribed above may be relaxed by orders of the appointing authority in case persons or requisite qualifications for appointment to the Class IV Service are not available through Employment Exchanges.

7. *Method of recruitment.*—Posts in the service shall be filled either by promotion or by direct appointment in the following manner:—

- (i) *Peon, Frash, Bhishti, Sweeper, Chowkidar and Mali.*—By transfer of a person already in the service of the Union or by direct recruitment.
- (ii) *Jamadar.*—By promotion from amongst the peons on the basis of seniority subject to the rejection of the unfit.
- (iii) *Daftry.*—75 per cent of the posts will be filled in by promotion from amongst the peons on the basis of seniority subject to the rejection of the unfit and the remaining 25 per cent of the posts by direct recruitment:

Provided that 23 per cent and 5 per cent of the vacancies shall be filled up from the candidates belonging to Scheduled Castes and Scheduled Tribes respectively subject to the minimum qualifications being satisfied by them.

8. *Departmental Promotion Committee.*—The Departmental Promotion Committee in respect of the service shall be as constituted and notified separately by the Head of the Department.

PART III—CONDITIONS OF SERVICE

9. *Probation of Members of Service.*—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years, in the case of direct recruitment and on trial for a period of one year in the case of promotion.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his service, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation or trial, as the case may be, as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation or trial including extension, if any, shall not exceed three years.

10. Restriction for promotion of members of the service class III posts.—No member of the service even though he may be educationally qualified shall be eligible for promotion to class III posts in the Himachal Pradesh Secretariat cadre direct, except through the Employment Exchanges for which "No Objection Certificate" to enable him to register his name with the Employment Exchange shall be granted.

11. Scale of pay etc., of the service.—The grades of pay of each class of service are mentioned in the Annexure to these Rules subject to their revision from time to time.

12. Discipline.—In respect of discipline, punishment and appeals, the members of the service shall be governed by the provision of Central Civil Services (Classification, Control and Appeal) Rules, 1957 and the Government servants Conduct Rules, 1955 as amended from time to time.

13. Seniority of members of service.—The seniority of members of service shall in each class of appointment shown in Appendix will be determined by the dates of their substantive appointment to a permanent vacancy in each class:

Provided that if two or more members are appointed on the same date:—

- (a) Members appointed by transfer from other departments shall be senior to members appointed direct;
- (b) In the case of members who are appointed by transfer from other departments seniority shall be determined by pay, preference being given to the members drawing higher rate of pay and if the rates of pay drawn are the same seniority shall be determined by the length of service, preference being given to members having the longer service; and if the length of service is also the same, seniority shall be determined by the age, the older member being senior to the younger member;
- (c) In the case of members who are appointed direct on the same date, the older member shall be senior to the younger member:

Provided further that if any member is reverted to his former post and is subsequently promoted to the post from which he reverted, the date of his appointment for the purpose of this rule shall be such date as the appointing authority may determine.

14. Leave and Pension etc.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7A, Volume II of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India in Finance Ministry's Office Memorandum No. F. 3(i) Est. (Spl)/47,

dated the 17th April, 1950 (as amended from time to time) unless one has already exercised one's option otherwise.

15. Other conditions of Service.—In respect of conditions of service other than those covered by the rules members of the service shall be governed by the Government of India, Ministry of Home Affairs Notification No. 27/59-Him-(ii), dated the 13th July, 1959.

ANNEXURE TO HIMACHAL PRADESH SECRETARIAT CLASS IV SERVICE
RECRUITMENT AND PROMOTION RULES, 1960

<i>Character of Posts</i>	<i>Grade</i>
1. Daftry	.. Rs. 75-1-85/2-95
2. Jamadar	.. Rs. 75-1-85/2-95
3. Peon	.. Rs. 70-1-80/1-85
4. Frash	.. Rs. 70-1-80/1-85
5. Bhishti	.. Rs. 70-1-80/1-85
6. Sweeper	.. Rs. 70-1-80/1-85
7. Chowkidar	.. Rs. 70-1-80/1-85
8. Mali	.. Rs. 70-1-80/1-85

O. N. MISRA,
Chief Secretary.